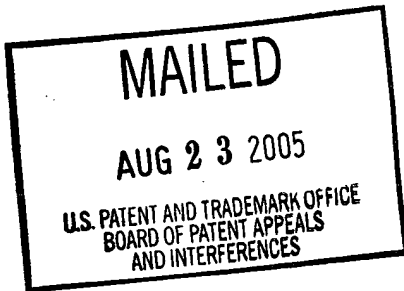


**UNITED STATES PATENT AND TRADEMARK OFFICE**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**



Ex parte SHERIF SAFWAT

Application No. 09/674,443

**ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER**

This application was received at the Board of Patent Appeals and Interferences on July 6, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

There is no proper indication on the record that the conference was held. In accordance with MPEP § 1208 regarding appeal conferences:

On the examiner's answer, below the primary examiner's signature, the word "Conferees" should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held.

It appears that there was only one conferee listed. Appropriate correction is required.

Application No. 09/674,443

The statement of the grounds of rejection in the Examiner's Answer (mailed November 17, 2004 and remailed May 24, 2005) is improper. The statement of rejection refers to two different Office actions. In accordance with MPEP § 1208:

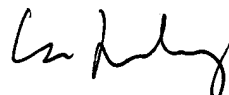
(A) Examiners may incorporate in the answer their statement of the grounds of rejection merely by reference to the final rejection (or a single other action on which it is based, MPEP § 706.07). Only those statements of grounds of rejection appearing in a single prior action may be incorporated by reference. An **examiner's answer should not refer, either directly or indirectly, to more than one prior Office action.** (Emphasis added).

Appropriate correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner to 1) hold an appeal conference, 2) notify appellants in writing that the appeal conference was held, 3) correct the statement of rejection and 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

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